

by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

[41 FR 29135, July 15, 1976]

**§ 958.91 Order with marketing agreement.**

Each signatory handler requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of onions in the same manner as is provided for in this agreement.

The undersigned hereby authorizes the Director, or Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, to correct any typographical errors which may have been made in this marketing agreement.

In witness whereof, the contracting parties, acting under the provisions of the act, for the purpose and subject to the limitations therein contained, and not otherwise, have hereto set their respective signatures and seals.

By: (Firm name)  
(Signature)<sup>1</sup>  
(Mailing address)  
(Title)  
(Corporate Seal; if none, so state)  
(Date of execution)

[41 FR 29136, July 15, 1976]

**§ 958.160 Reestablishment of Districts.**

(a) Pursuant to § 958.27(b) the following districts are reestablished:

(1) District No. 5 (Parma-Wilder area): That portion of Canyon County lying west and north of a line commencing at the junction of the north boundary of Canyon County and Range 4, Township 12 east, thence south along this line to Soeck Road, thence west along Soeck Road one-fourth mile to

Notus Road, thence south along Notus Road to Highway 19, thence west one mile along Highway 19 to Friends Road, thence south along Friends Road to Boundary Road, thence east one-half mile along Boundary Road to Plum Road, thence south along Plum Road to Homedale Road, thence west along Homedale Road to the western boundary of Canyon County.

(2) District No. 6 (Caldwell-Nampa-Homedale and southern Idaho area): That portion of Canyon County not included in District No. 5 plus all of the counties in the Idaho portion of the production area not included within District No. 1.

(b) Terms used in this section have the same meaning as when used in said marketing agreement and this part.

[39 FR 1601, Jan. 11, 1974]

**Subpart—Assessment Rates**

**§ 958.240 Assessment rate.**

On and after July 1, 1998, an assessment rate of \$0.09 per hundredweight is established for Idaho-Eastern Oregon onions.

[63 FR 32600, June 15, 1998]

**Subpart—Handling Regulations**

**§ 958.328 Handling regulation.**

No person shall handle any lot of onions, except braided red onions, unless such onions are at least “moderately cured,” as defined in paragraph (h) of this section, and meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such onions are handled in accordance with paragraphs (d), (e) and (f) or (g) of this section.

(a) *Grade and size requirements*—(1) *White varieties*. Shall be either:

(i) U.S. No. 1, 1 inch minimum to 2 inches maximum diameter; or

(ii) U.S. No. 1, at least 1½ inches minimum diameter. However, neither of these two categories of onions may be commingled in the same bag or other container.

(2) *Red varieties*. U.S. No. 2 or better grade, at least 1½ inches minimum diameter.

(3) *All other varieties*. Shall be either:

<sup>1</sup>If one of the contracting parties to this agreement is a corporation my signature constitutes certification that I have the power granted to me by the Board of Directors to bind this corporation to the marketing agreement.

(i) U.S. No. 2 or U.S. Commercial grade, at least 3 inches minimum diameter, but not more than 30 percent of the lot shall be comprised of onions of U.S. No. 1 quality when packed in containers weighing less than 60 pounds; or

(ii) U.S. No. 1, 1¾ inches minimum to 2¾ inches maximum diameter; or

(iii) U.S. No. 1, at least 2¼ inches minimum diameter.

However, none of these three categories of onions may be commingled in the same bag or other container.

(b) *Pack.* Onions packed as U.S. Commercial grade in containers weighing less than 60 pounds shall have the grade marked permanently and conspicuously on the container.

(c) *Inspection.* No handler may handle any onions regulated hereunder unless such onions are inspected by the Federal-State Inspection Service and are covered by a valid applicable inspection certificate, except when relieved of such requirement pursuant to paragraph (d), (e) or (g) of this section.

(d) *Onions for peeling, chopping or slicing.* Onions that have been inspected and certified as meeting the requirements of paragraphs (a) and (b) of this section and that are subsequently peeled, chopped, or sliced for fresh market within the production area may be handled without reinspection. Each handler making shipments of onions for such purposes shall provide the committee with a copy of the original inspection certificate verifying that minimum marketing order requirements have been met. Such handlers shall also document on forms provided by the committee, in quadruplicate, the intended use and destination of the onions, referencing the inspection certificate number. Two copies of such forms shall be sent on shipment to the handler altering the onions destined for fresh market, and one copy will be mailed to the committee. Upon receipt, the handler responsible for altering such onions will document the weight of the finished product and promptly return one signed copy to the committee. Handlers who peel, chop or slice onions grown outside the production area shall provide the committee with acceptable documentation that

the onions so prepared were produced outside the production area.

(e) *Special purpose shipments.* The minimum grade, size, maturity, assessment, and inspection requirements of this section shall not be applicable to shipments of onions for any of the following purposes: (1) planting, (2) livestock feed, (3) charity, (4) dehydration, (5) canning, (6) freezing, (7) extraction, and (8) pickling. In addition, the minimum grade, size, and maturity requirements set forth in paragraph (a) of this section shall not be applicable to shipments of pearl onions, but the maximum size requirements in paragraph (h) of this section and the assessment and inspection requirements shall be applicable to shipments of pearl onions.

(f) *Safeguards.* Each handler making shipments of onions for dehydration, planting, canning, freezing, extraction or pickling pursuant to paragraph (e) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (c) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office may be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(g) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, one ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size and maturity requirements of this section. This exception shall not apply to any

portion of a shipment that exceeds one ton of onions.

(h) *Definitions.* The terms “U.S. No. 1,” “U.S. Commercial,” and “U.S. No. 2” have the same meaning as defined in the United States Standards for Grades of Onions (Other than Bermuda-Granex-Grano and Creole Types), as amended (7 CFR 51.2830 through .2854), or the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR 51.3195 through .3209), as amended, whichever is applicable to the particular variety, or variations thereof specified in this section. The term “braided red onions” means onions of red varieties with tops braided (interlaced). “Pearl onions” means onions produced using specific cultural practices that limit growth to the same general size as boilers and picklers, and that have been inspected and certified as measuring 1¾ inches in diameter or less. The term “moderately cured” means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 130 and this part.

[47 FR 32913, July 30, 1982, as amended at 49 FR 31257, Aug. 6, 1984; 50 FR 50157, Dec. 9, 1985; 53 FR 32597, Aug. 26, 1988; 55 FR 31036, July 31, 1990; 55 FR 36601, Sept. 6, 1990; 58 FR 60369, Nov. 16, 1993; 61 FR 35593, July 8, 1996; 61 FR 39841, July 31, 1996; 63 FR 55783, Oct. 19, 1998]

EDITORIAL NOTE: After January 1, 1979, “Budget of Expenses and Rate of Assessment” regulations (e.g., sections .200 through .299) and “Handling” regulations (e.g., sections .300 through .399) which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the “List of CFR Sections Affected” in the Finding Aids section of this volume.

## PART 959—ONIONS GROWN IN SOUTH TEXAS

### Subpart—Order Regulating Handling

#### DEFINITIONS

- Sec.
- 959.1 Secretary.
- 959.2 Act.
- 959.3 Person.
- 959.4 Production area.
- 959.5 Onions.

- 959.6 Handler.
- 959.7 Handle.
- 959.8 Registered handler.
- 959.9 Producer.
- 959.10 Grading.
- 959.11 Grade and size.
- 959.12 Pack.
- 959.13 Container.
- 959.14 Varieties.
- 959.15 Committee.
- 959.16 Fiscal period.
- 959.17 District.
- 959.18 Export.

#### COMMITTEE

- 959.22 Establishment and membership.
- 959.23 Term of office.
- 959.24 Districts.
- 959.25 Redistricting.
- 959.26 Selection.
- 959.27 Nomination.
- 959.28 Failure to nominate.
- 959.29 Acceptance.
- 959.30 Vacancies.
- 959.31 Alternate members.
- 959.32 Procedure.
- 959.33 Expenses and compensation.
- 959.34 Powers.
- 959.35 Duties.

#### EXPENSES AND ASSESSMENTS

- 959.40 Expenses.
- 959.41 Budget.
- 959.42 Assessments.
- 959.43 Accounting.

#### RESEARCH AND DEVELOPMENT

- 959.48 Research and development.

#### REGULATIONS

- 959.50 Marketing policy.
- 959.51 Recommendations for regulations.
- 959.52 Issuance of regulations.
- 959.53 Handling for special purposes.
- 959.54 Safeguards.
- 959.55 Notification of regulation.

#### INSPECTION

- 959.60 Inspection and certification.

#### REPORTS

- 959.80 Reports.

#### COMPLIANCE

- 959.81 Compliance.

#### MISCELLANEOUS PROVISIONS

- 959.82 Right of the Secretary.
- 959.83 Effective time.
- 959.84 Termination.
- 959.85 Proceeding after termination.
- 959.86 Effect of termination or amendments.
- 959.87 Duration of immunities.
- 959.88 Agents.
- 959.89 Derogation.